## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

JEREMY M. WEISS,	ý
Plaintiff,	)
v.	Civil Action No. 10-10705-NMG
DHL EXPRESS, INC.,	
<u>Defendant</u> .	) )

## REPORT AND RECOMMENDATION ON DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

November 16, 2011

SOROKIN, M.J.

Currently pending is the Motion for Summary Judgment of Defendant DHL Express, Inc. (Docket # 13).

For the following reasons, I RECOMMEND that the Court ALLOW DHL's Motion for Summary Judgment (Docket # 13) with respect to the statutory claim advanced in Count I, and DENY the motion with respect to the contract claims advanced in Counts II through IV because each of those counts presents a genuine dispute of material fact for resolution by a jury.

## I. FACTUAL AND PROCEDURAL BACKGROUND

Weiss has brought four claims against DHL relating to his September 2, 2009, termination (ostensibly resulting from his failure to discover the misconduct of employees under his supervision and to properly investigate, document and ameliorate such misconduct). Docket # 1-

Having considered both defendant's objections (Docket No. 38) and plaintiff's objections (Docket No. 39) thereto, Report and Recommendation is accepted and adopted MSN Sotton, USD J 12/7/11